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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,654	12/12/2001	Akseli Anttila	NC28554;BW04770.00031	7848

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EXAMINER	
TIV, BACKHEAN	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,654	ANTTILA ET AL.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 23-25* is/are pending in the application.

4a) Of the above claim(s) *21,22 and 26-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 23-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-20,23-25 are pending in this application. Claims 21-22, and 26-29 are withdrawn from consideration. Claims 14-20, 23-25 have been amended. This is a response to the Amendment filed on 10/20/05.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,8-20,23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,425,131 issued to Crandall et al.(Crandall).

As per claims 1, 11, Crandall teaches method for synchronous media playback, comprising the steps of:

(a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user(Abstract, Figs.1-3, col.2, lines 25-36);

(b) relaying a media playback accept response from the second terminal to the first terminal(col.4, lines 25-28); and (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal(col.3, lines 18-29,col.5, lines 1-42, Fig.1).

As per claim 2,12, further comprising the step of:

(d) distributing an action request between the first terminal and the second terminal during the playback session(Abstract, Figs.1-3, col.3, lines 18-27).

As per claim 3, the method of claim 2, further comprising the step of: verifying permissions associated with the first terminal or the second terminal before executing step (d)(col.4, lines 25-29).

As per claim 4, the method of claim 2, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment request, and a user-specified internal effect algorithm to modify audio or video of the media file(Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 5,13, further comprising the step of:

(d) distributing a stop playback request from the first terminal to the second terminal in response to the host user terminating the playback session(col.5, lines 11-25).

As per claim 8, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the second terminal in response to the guest user withdrawing from the playback session(col.3, lines 18-28); and

(e) removing a session entry that is associated with the second terminal, wherein the session entry indicates participation of the second terminal in the playback session(col.3, lines 18-28, col.5, lines 11-31).

As per claim 9, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the first terminal in response to the host user ending the playback session(Abstract, Figs.1-3, col.2, lines 47-58); and

(e) terminating the playback session in response to step (d)(Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 10, method of claim 1, further comprising the steps of (d) instructing the second terminal to modify the media file in accordance with a modification file during the playback session(Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 14,23 a method for synchronous media playback and messaging for a host user, the method comprising the steps of

(a) sending a media playback invite request to an other terminal in response to a host user initiating an invitation to a guest user, wherein the guest user is associated with the other terminal(Abstract, col.2, lines 20-58);

(b) receiving a media playback accept response from the other terminal in response to step (a)(col.2, lines 20-58); and

(c) sending a start playback request to the other terminal in response to step (b), wherein the start playback request begins a playback session of a media file in synchronization with the host user(col.2, lines 20-58,col.3, lines 18-28, col.5, lines 1-42, Fig.1).

As per claim 15,24, further comprising the step of:

(d) sending an action request to the other terminal, in response to the host user initiating the request(Abstract, col.5, lines 10-20).

As per claim 16,25, the method of claim 14, further comprising the step of:

(d) receiving an action request from the other terminal, in response to the guest user initiating the request(Abstract, col.5, lines 10-22).

As per claim 17, the method of claim 15 or claim 16, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the media file(Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 18, the method of claim 14, further comprising the step of:

(d) sending a stop playback request to the other terminal in response to the host user terminating the playback session(Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 19, the method according to any of the claims 14, 15, 16 or 18, wherein the requests are processed through a server(Figs.1-3).

As per claim 20, the method of claim 14, wherein steps (a), (b), and (c) utilize a wireless communications channel(Figs.1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,131 issued to Crandall et al.(Crandall) in view of US Publication 2002/0095612 issued to Furhrer et al.(Furhrer).

Crandall teaches all the limitations of claim 1, however does not explicitly teach as per claim 6, and 7, the use of internal time in a device which is derived from a global time to synchronize communication link.

Furhrer teaches the use of internal time in a device which is derived from a global time to synchronize communication link(Abstract, paragraph 26).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Crandall to use the internal time in a device which is derived from a global time to synchronize communication between two devices as taught by Furhrer in order to make sure that two devices have synchronized communication.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Crandall and Furhrer in order to provide a system where data transmission from one device to another are synchronized.

Response to Arguments

Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

The applicant argues in substance:

a)Crandall does not teach, "start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal."

In reply to a);Crandall, col.3, lines 18-29,col.5, lines 1-42, Fig.1, teaches broadcasting of MPEG-compressed digital data stream, from one terminal(Internet/Online Subscriber) to another terminal(CATV subscriber). Fig.1, element 180, 128, clearly shows that the media sent from one terminal to another terminal is in synchronization with each other. Therefore, Crandall does teach, "start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

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2151
11/3/05